

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) NO. 3:22-CR-00037  
 )  
 ) JUDGE TRAUGER  
TEVIN KELLY )

**UNITED STATES' MOTION TO DISMISS INDICTMENT**

The United States of America, by and through Henry C. Leventis, United States Attorney, and Assistant United States Attorneys Robert E. McGuire and J. Matthew Blackburn, moves to dismiss the Indictment in this case.

For cause, the United States would report to the Court that additional information was relayed to the United States on the late afternoon of Friday, March 17, 2023 that establishes reasonable doubt as to one of the elements of the offense in this case. As the Court knows from the Government's Trial Brief and by the arguments and statements of counsel at the pre-trial conference, the element of the Defendant's knowledge of his felony indictment was to be the only truly contested element at trial. After the pre-trial conference, and after the Defendant waived attorney client privilege regarding information his state counsel provided about the indictment, undersigned counsel was able to speak to the Defendant's state defense counsel for the first time about her specific communications with the Defendant on her advice about the state indictment. In that conversation on Friday afternoon, undersigned counsel learned new information that creates reasonable doubt that Defendant knew that he was indicted for a felony offense.

Therefore, given that reasonable doubt now exists as to an element of the charged offense, the United States must move to dismiss the Indictment against the Defendant.

Respectfully submitted,

HENRY C. LEVENTIS  
United States Attorney

s/Robert E. McGuire  
ROBERT E. MCGUIRE

s/J. Matthew Blackburn  
J. MATTHEW BLACKBURN

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 19, 2023, a copy of the foregoing Motion to Dismiss was filed electronically. Notice of this filing will be sent to defense counsel by operation of the Court's electronic filing system.

s/Robert E. McGuire  
ROBERT E. MCGUIRE